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October 26, 2021

By ECF

Hon. Jesse M. Furman
United States District Judge
U.S. District Court for the
Southern District of New York
40 Centre Street
New York, New York 10007

Re: UMB Bank, N.A. v. Bristol-Myers Squibb Company, No. 21 Civ. 4897 (JMF)

Dear Judge Furman,

I am writing on behalf of defendant Bristol-Myers Squibb Company (the “Company”) in response to the letter submitted yesterday by counsel for plaintiff UMB Bank, N.A. (the “Trustee”). The Trustee’s letter is an impermissible sur-reply in the guise of a request for oral argument (which the Trustee already had requested on the cover of its opposition brief).

To clarify one point raised in that letter, however, the omission of an ellipsis was inadvertent in the phrase excerpted from section 8.1(b) of the CVR Agreement on pages 5-6 of the Company’s reply. The full provision is reproduced without ellipses in footnote 13 (page 14) of the Company’s opening brief.

Respectfully submitted,

/s/ John J. Clarke, Jr.

John J. Clarke, Jr.